

## EXHIBIT C

Patents

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ow et al.

Serial No.: 09/121,152

Filed: May 6, 1994

For: BIOLOGICAL DE-INKING METHOD

Art Unit: 1731

Examiner: Steve Alvo

DECLARATION OF KARL-ERIK L. ERIKSSON, PH.D.  
UNDER 37 CFR § 1.132

KARL-ERIK L. ERIKSSON, PH.D., declares as follows:

1. I earned a Dr. Sci. in biochemistry in 1967. Subsequently, I have conducted extensive research in the fields of enzymology, microbiology and biochemistry at the Swedish Forest Products Research Laboratory and as a Professor of Biochemistry and Eminent Scholar at the University of Georgia, Athens, Georgia. I currently am working in Sweden and am involved with several organizations involved with the commercialization of biological-based innovations in the pulp and paper industry. Attached is a copy of my Curriculum Vitae.

2. My declaration is based on my scientific experience and understanding of the subject matter as an expert in the art. I am familiar with the invention described in the above-identified patent application regarding the novel use of deinking enzymes under non-alkaline conditions. For the record, I have a small economic interest in the business concern that has licensed the subject invention.

3. I have read the English translation of Japanese Patent 59-9299 ('299 patent). In my expert opinion, the '299 patent, read in its entirety, teaches one of ordinary skill in the art only the successful use of deinking enzymes with alkaline deinking chemicals. It is my opinion that the data provided in the '299 patent, taken together with the knowledge of one skilled in the art prior to the priority date of the present application of May 16, 1989, does not provide an expectation for the successful use of enzymes for removing ink from pulp in a non-alkali

AO 1087231.1

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**DECLARATION OF KARL-ERIK L. ERIKSSON, PH.D.**

environment, in particular at a pH of between about 3 to about 8.

4. This is true because the overall thrust of the '299 patent specification, and the evidence provided in all preferred embodiments and in all the Examples, refer to only alkaline deinking conditions. The statement on page 2, last full paragraph, to page 3, end of carryover paragraph, that

[a]ccordingly, this invention provides a de-inking agent for recycling old paper, containing cellulase. Cellulase commonly occurring in plants, animals, bacteria and fungi can be used in this invention without any special restriction, but alkaline cellulase is especially preferred. Alkaline

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